



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirteenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16489 of 2021

A.KANIRAJ

[PETITIONER / ACCUSED]

Vs

THE DEPUTY SUPERINTENDENT OF POLICE, [RESPONDENT]
POLLACHI CSCID POLICE STATION,
POLLACHI, COIMBATORE.
(CRIME NO.209 OF 2021)

For Petitioner : M/S.P.MAHESHKUMAR Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)

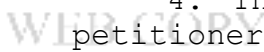
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest for the alleged offence under Section 3(iv) of Motor Spirit and High-Speed Diesel (Regulation of Supply and Distribution and Prevention of Malpractices) Order 1998 and Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Cr.No.209 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused persons illegally transported 3997 Litres of Bio-diesel of worth Rs.3,75,436/- using tanker Lorries. The respondent police received secret information about the filling of adulterated and bio-diesel in tanker lorries. On receipt of such information, the respondent police investigated and found two lorries filled with contaminated diesel. On further investigation, it was found that the accused persons were only the drivers of the tanker lorry and petitioner is the owner of the lorries and he is the one who directed the drivers to sell the bio-diesel. Hence, the respondent police registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submit that the petitioner has not committed any offence as alleged by the prosecution and the tanker lorries doesn't belong to the petitioner. However, on instructions, he further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of RS.50,000/- in favour of the Chief Educational Officer, Coimbatore for



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5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned Counsel on both sides, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. For a period of two weeks and thereafter, as and when required for interrogation;

(e) the petitioner shall not abscond either during investigation or trial;

<https://hcservices.ecourts.gov.in/hcservices/>



have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
13/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-IV,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE DEPUTY SUPERINTENDENT OF POLICE,
POLLACHI CSCID POLICE STATION,
POLLACHI, COIMBATORE.

4 THE CHIEF EDUCATIONAL OFFICER,
COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.P.MAHESHKUMAR Advocate on payment of necessary charges SR.NO.9964

CRL OP.16489/2021

Date :13/09/2021

CSK 23/09/2021